

## UNITED STATES SOUTHERN DIST. COURT - NEW YORK COUNTY

GARDEN CITY BOXING CLUB, INC.,  
PLAINTIFF

- vs. -

ERNESTO'S KITCHEN INC DBA NOW A DAYS  
RESTAURANT  
AKA VICTORS ET AL,  
DEFENDANT

Index No: **07 CIV 4718**  
Date Filed: **06/04/2007**  
Office No:  
Court Date: N/A

STATE OF NEW YORK COUNTY OF NEW YORK :SS:

**JOSEPH BARNUM** being duly sworn, deposes and says;

I AM OVER THE AGE OF 18 YEARS AND RESIDE IN THE STATE OF NEW YORK.

That on **06/18/2007** at **11:55AM** at **500 COMMERCE STREET % ERNESTO'S KITCHEN INC DBA NOW A DAYS RESTAURANT AKA VICTORS, HAWTHORNE, NY 10532**, I served the **SUMMONS AND COMPLAINT** upon **CESAR ALEX MORA** the **DEFENDANT** therein by delivering and leaving a true copy or copies of the aforementioned documents with said **DEFENDANT** personally.

Deponent describes the person served as aforesaid to the best of deponent's ability at the time and circumstances of service as follows:

SEX: **MALE**

COLOR: **WHITE**

HAIR: **BROWN**

APP. AGE: **40**

APP. HT: **5'8**

APP. WT: **175**

OTHER IDENTIFYING FEATURES:

That at the time of such service I knew the person so served as aforesaid to be the same person mentioned and described in the aforementioned documents as **CESAR ALEX MORA** the **DEFENDANT** in this action.

Sworn to before me on **06/21/2007**.

HARVEY TAUBER  
Notary Public, State of New York  
No. 01TA4667012  
Qualified in BRONX  
Commission Expires 12/31/2010

JOSEPH BARNUM  
AAA ATTORNEY SERVICE CO. OF NY, INC.  
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NEW YORK, NY 10007  
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AP